

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CORNELL CURRY, -----X

Plaintiff, :

- against - :

NEW YORK CITY POLICE DEPARTMENT :
et al., :

Defendants. :

-----X
VICTOR MARRERO, United States District Judge.

EDS SDNY

DOCUMENT

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09 Civ. 6901(VM)

DECISION AND ORDER

I. BACKGROUND

Plaintiff Cornell Curry ("Curry") brought a motion in this action seeking a judgment by default on the ground that the answers of certain defendants are not verified. By Order dated April 20, 2010, Magistrate Judge Henry Pitman, to whom this matter had been referred for supervision of pretrial proceedings, issued a Report and Recommendation (the "Report"), a copy of which is attached and incorporated herein, recommending that Curry's motion be denied. Curry has not filed timely objections to the Report. For the reasons stated below, the Court adopts the recommendation of the Report in its entirety.

II. STANDARD OF REVIEW

A district court evaluating a Magistrate Judge's order with respect to a matter not dispositive of a claim or defense may adopt the Magistrate Judge's findings and conclusions as

long as the factual and legal bases supporting the ruling are not clearly erroneous or contrary to law. See 28 U.S.C. § 636(b) (1) (A); Fed. R. Civ. P. 72(b); Thomas v. Arn, 474 U.S. 140, 149 (1985). A district judge, after considering any objections by the parties, may accept, set aside, or modify, in whole or in part, the findings and recommendations of the Magistrate Judge with regard to such matters. See Fed. R. Civ. P. 72(a); see also DeLuca v. Lord, 858 F. Supp. 1330, 1345 (S.D.N.Y. 1994).

III. DISCUSSION

Having conducted a review of the full factual record in this litigation, including the pleadings, and the parties' respective papers submitted in connection with the underlying motion and in this proceeding, as well as the Report and applicable legal authorities, the Court concludes that the findings, reasoning, and legal support for the recommendation made in Report are not clearly erroneous or contrary to law and thus warranted. Accordingly, for substantially the reasons set forth in the Report the Court adopts the Report's recommendation in its entirety.

IV. ORDER

For the reasons discussed above, it is hereby
ORDERED that the Report and Recommendation of Magistrate Judge Henry Pitman dated April 20, 2010 (Docket No. 19) is

adopted in its entirety, and the motion plaintiff, Cornell Curry herein for entry of a default judgment is DENIED.

SO ORDERED.

Dated: NEW YORK, NEW YORK
11 May 2010



Victor Marrero
U.S.D.J.